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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of Service Rules for the 746-764 and 776-794 MHz Bands, and Revisions to Part 27 of the Commission's Rules	WT Docket No. 99-168

COMMENTS OF SBC COMMUNICATIONS, INC.

I. INTRODUCTION

SBC Communications, Inc., on behalf of its affiliates ("SBC")[1], hereby comments on selected issues on the Notice of Proposed Rulemaking in the above-captioned proceeding. In this proceeding the Commission proposes new services rules for commercial licensing in the 746-764 and 776-794 MHz bands.

II. THE NEW RULES SHOULD PERMIT A LICENSEE TO USE THIS SPECTRUM FOR ANY USE IN THE FIXED, MOBILE AND BROADCASTING SERVICES.

The Commission requests comment on the degree of flexibility that should be afforded new licensees in these bands.[2] SBC supports rules that will allow a licensee to use this spectrum for any use in the Fixed, Mobile, and Broadcasting Services, subject to international

[1] SBC Communications Inc. ("SBC") is the parent/holding company of various subsidiaries conducting business under federal licenses. These subsidiaries include Southwestern Bell Telephone Company ("SWBT"), Pacific Bell, Nevada Bell, Southern New England Telephone Company and various wireless carriers including Southwestern Bell Mobile Systems, Inc. ("SBMS"), Southwestern Bell Wireless Inc. ("SWBW") and Pacific Bell Mobile Services ("PBMS"). The abbreviation "SBC" shall be used herein to include each of these subsidiaries as appropriate in the context.

[2] NPRM, para. 4.

requirements and coordination. SBC agrees with the Commission that making this spectrum available for flexible commercial use under the Part 27 rules will contribute to technological and service innovation and will help all Americans realize the benefits of the national telecommunications infrastructure.

III. EACH GEOGRAPHIC AREA OF SPECTRUM SHOULD HAVE TWO LICENSES OF 18 MHz PAIRED SPECTRUM.

The Commission requests comments on the appropriate amount of spectrum to be for provided for each licensee in the two 18 MHz wide spectrum blocks.[3] In addition, the Commission tentatively concludes that the spectrum should be licensed on a paired basis.[4] SBC strongly supports the use of paired spectrum to enable two-way communications. As the Commission recognizes, pairing is essential for a viable commercial mobile service. SBC recommends the use of two licenses each having a total of 18 MHz of spectrum that is divided into pairs.

One of the potential uses of this spectrum is the transmission of high bandwidth data and multimedia services of 3G Mobile Service. Spectrum blocks of less than 9 MHz pairs would not be sufficient to efficiently support such services. To enable the greatest flexibility in the use of this spectrum the Commission should not license pairs of less than 9 MHz.

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[3] Id. at para. 17.

[4] Id. at para. 19.

IV. THE GEOGRAPHIC AREA OF THE LICENSES SHOULD BE METROPOLITAN STATISTICAL AREAS AND RURAL STATISTICAL AREAS.

The Commission requests comment on the type of service area or areas that should be used to license the 746-764 MHz and 776-794 MHz bands.[5] The Commission notes that Part 27 spectrum is licensed with two kinds of service areas, Regional Area Economic Groupings and Major Economic Areas.[6] While SBC supports the use of the Part 27 framework generally for new service rules for this spectrum, in this case, SBC recommends a departure from Part 27 and use of the Metropolitan Statistical Areas and Rural Statistical Areas used in Part 22 licensing. Matching the existing cellular licensing areas will enable the cellular licensees to use this spectrum, which is near their licensed band, by relying on existing tower facilities. Minimizing new tower construction is a benefit to both the public and the licensees because it reduces environmental concerns associated with new tower construction.

V. THE PART 27 RULES SHOULD PROVIDE THE REGULATORY FRAMEWORK FOR THE NEW SERVICE RULES.

As noted above, SBC supports the use of the Part 27 rules as the basic framework for these new rules. Specifically, the Part 27 rules on performance requirements, disaggregation and partitioning of licenses, license term and renewal expectancy are appropriate.

Section 27.14(a) requires Wireless Communications Service ("WCS") licensees to provide "substantial service" in their service area within 10 years of being licensed.[7] The Commission proposes to further define this term by creating the following "safe harbors" for the

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[5] Id. at para. 21.

[6] Id. at para. 20.

[7] 47 CFR § 27.14(a).

746-764 MHz and 776-794 MHz bands: "1) For a licensee that chooses to offer fixed services or point-to-point services, the construction of four permanent links per one million people in its licensed service at the 10-year renewal mark would constitute substantial service; 2) For a licensee that chooses to offer mobile services or point-to-multipoint services, a demonstration of coverage to 20 percent of the population of its licensed service are at the 10-year renewal mark would constitute substantial service."[8] The Commission requests comment on the safe harbor. SBC agrees that this safe harbor is an appropriate measure of substantial service.

The disagregation and partitioning of licenses is permitted in Part 27 and Part 24.[9] The ability to disaggregate and to partition supports efficient use of the spectrum. SBC supports the adoption of a rule for this spectrum that mirrors Section 27.15.

Part 27 has a license term of 10 years and a right to renewal expectancy. SBC supports this license term and renewal expectancy for the 746-764 MHz and 776-794 MHz bands. This license term is also consistent with the license term for PCS and cellular service.[10]

VI. IN-BAND INTERFERENCE CONTROL IS BEST ACHIEVED THROUGH A FIELD STRENGTH LIMIT.

The Commission tentatively concludes that either a coordination or field strength method can be a satisfactory method of controlling harmful interference or determining the interaction between systems.[11] The field strength method provides a characterization of interference, location, and the interfering signal levels allowing operators definitive information by which to adjust their network. Given the variety of services proposed for operation in these

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[8] NPRM, para. 33.

[9] 47 CFR § 27.15 and 24.714.

[10] 47 CFR § 22.144(a) - and 24.15.

[11] NPRM, para. 60.

bands, the field strength method is the more efficient method of reducing the risk of interference across service areas. This approach is more equitable than mandatory coordination with respect to licensee costs for operators of relatively low power services that require a large number of transmitting stations compared to those services requiring relatively few transmitter stations. In addition, licensees in adjacent service areas should be permitted to coordinate their operations and agree to alternative field strengths along their mutual border.

VII. OUT OF BAND EMISSIONS CAN BEST BE LIMITED BY SPECIFIC POWER ATTENUATION.

The Commission proposes to require licensees in the proposed commercial spectrum to attenuate the power below the transmitter power (P) by at least $43 + 10 \log_{10} (P)$ watts or 80 decibels, whichever is less, for any emission on all frequencies outside of the licensee's authorized spectrum.[12] SBC supports this proposal.

VIII. THE COMMISSION'S CURRENT RULES ON RF RADIATION EXPOSURE REQUIREMENTS ARE APPROPRIATE.

Section 27.52 subjects licensees and manufacturers to the RF radiation exposure requirements specified and Sections 1.1307(b), 2.1091 and 2.1093. The Commission tentatively concludes that the requirements of Section 27.52 should be applied to the same extent to licensees in the 746-764 MHz and 776-794 MHz bands.[13] The Commission requests comment. SBC agrees that the Commission's tentative conclusion is appropriate.

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[12] Id. at para. 69.

[13] Id. at para. 71.

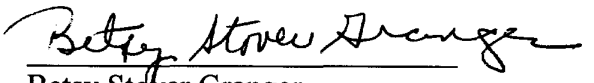
IX. CONCLUSION.

SBC strongly supports the Commission's objective of developing rules that establish the maximum practicable flexibility for the licensees in the 746-764 and 776-794 MHz bands. This approach will allow the most efficient use of the spectrum and will benefit the public by promoting new technologies not constrained by rigid service parameters. Part 27 provides the appropriate framework for this regulatory approach.

SIGNATURE PAGE FOLLOWS

Respectfully submitted,

SBC Communications, Inc.



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